

### REMARKS

1 Claims 1, 2, 4-6, 12, 15-19 and 25 have been allowed. The applicants appreciate the Examiner's assistance in obtaining the same.

5 The Examiner withdrew the previous notice of allowability with respect to claims 23 and 24 and rejected the same under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,110,366 to McGregor in view of U.S. Patent No. 3,833,123 to Walker. Applicants respectfully disagree. Among the points of disagreement, applicants point out that the McGregor reference does not teach a spray bar positioned adjacent the upper end portion of the hopper and the McGregor reference does not teach the positioning of the spray bar within the hopper, as suggested by the Examiner. 10 Applicants specifically claim, in both claims 23 and 24, at least one spray bar that is mounted within the hopper adjacent the upper end thereof. Moreover, with regards to claim 23, McGregor fails to teach the specific spacing of spray bar holes, argued by the Examiner and claimed by applicants. Finally, Walker teaches a system for projecting 15 particulate-laden fluid onto a planar filter that covers an open bottom container so that the particulate is removed from the fluid. McGregor teaches a system for rinsing rail car containers with a fixed position spray bar having specifically shaped and aimed nozzles. A person of ordinary skill in the art, who was looking to create an improved brine making 20 machine would not consider the cited references on any objective basis.

25 In an effort to expedite the prosecution of the present application, applicants have amended claims 24. To more clearly state that "at least two of said plurality of holes having diameters that are different from one another" to confirm that applicants are not

1 claiming fixed-position nozzles that each vary in diameter along their lengths. Similarly,  
claim 23 was amended to state that "said plurality of holes being formed so that at least  
one hole is disposed adjacent said midpoint with a diameter that is larger a diameter of  
at least one other hole disposed adjacent at least one of the opposite ends of said spray  
5 bar." In a telephone interview on September 13, 2006, between the Examiner and  
counsel for the applicants, it was agreed that these limitations presented allowable  
subject matter. Accordingly, claims 23 and 24 are believed to be allowable and  
reconsideration and allowance of the same is respectfully requested.

10 No fees or extensions of time are believed to be due in connection with this  
amendment; however, please consider this a request for any extension inadvertently  
omitted, and charge any additional fees to Deposit Account No. 502093.

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that the original of this AMENDMENT for JAMES A. HELLBUSH, ET AL., Serial No. 09/970,594, was mailed by first class mail, postage prepaid, to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13th day of September, 2006.

  
SHANE M. NIEBERGALL